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PINOLEVILLE POMO NATION et al

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

PINOLEVILLE POMO NATION,)	Case No. C 07-0648 SI
PINOLEVILLE POMO NATION)	
ENVIRONMENTAL ASSOCIATION)	SUPPLEMENTAL DECLARATION
LEONA WILLIAMS)	OF GEORGE PROVENCHER RE:
)	OBJECTIONS TO PREVIOUS
)	DECLARATIONS
Plaintiffs,)	
)	Date: June 25, 2008
v.)	Time: 1:30 p.m.
)	Dept. C, 15 th Floor
UKIAH AUTO DISMANTLERS, et al.)	
)	Hon. Susan Illston
Defendants.)	
)	
<u>ALL RELATED CROSS ACTIONS</u>)	

I, GEORGE PROVENCHER, declare as follows:

1. As stated in previous declarations I am the tribal administrator for the Pinoleville Pomo Nation (PPN):
2. I have read the objections to my previous declarations by defendants. Rather than reiterating my qualifications and the knowledge I gained concerning the issues relating to this case, this supplemental declaration address defendants concerns as to my qualifications and knowledge of the activities on PPN.
3. My formal education, training, and experience include many courses in the natural sciences including, but not limited to the following: I have more than thirty years of experience

1 in contracts and purchasing management, logistics, and distribution, and general management of
2 large organizations. Fifteen of those years involved work with management and operating
3 contracts in the nuclear weapons complex, several national laboratories, Department of Defense
4 and Department of Energy prime contracts, nuclear waste management, environmental remedial
5 site investigation work for the United States Navy in the Pacific Southwest Division for Bechtel
6 National, and technical construction as a project manager for \$30 million nuclear waste treatment
7 facility.

8 4. Further, my employment as an administrator for the various agencies I served gave me
9 extensive on the job training in the natural sciences because my job, simply put, involved
10 supervising scientists. In order for me to make effective policy decisions and adequately
11 supervise the quality of the work of scientists under my supervision, I was required to "come up
12 to speed" on many esoteric scientific fields and disciplines. My varied work experience for major
13 industrial and scientific agencies prove that I am a "quick study". I had to be in order to be
14 successful in my previous jobs.

15 5. Over the past six years, I have been working in the Native American Community in
16 Mendocino County, where I have chosen to make my permanent residence. From July of 2002
17 to September of 2006, I was the Executive Director of Consolidated Tribal Health, a fully
18 accredited primary care medical center, located in Redwood Valley, California. This facility
19 provides medical, dental, and behavioral health services to approximately 3,600 Native
20 American patients under a self-governance compact with the Department of Health and Human
21 Services. During my tenure, our organization achieved full accreditation from the Accreditation
22 Association of American for Hospitals and Clinics (AAAHHC). Since September 2006, I joined
23 the Board of Directors as Corporate Treasurer, and I am presently employed by one of the
24 consortium tribes, PPN, where I reside during the week, where I am employed as their Director
25 of Tribal Operations. I am also a member of the Mendocino County Public Health Advisory
26 Board, and I have served on the County Tobacco Ordinance Appeals Board.

27 6. In March of 1974, I received a Bachelor of Arts Degree in English from California State
28 University, Hayward campus. In May of 1984, I received a Masters of Administrative Science

1 Degree from John Hopkins University, Baltimore, Maryland. Some of my lower division course
2 work included, in addition English Literature studies, cultural anthropology, general geology,
3 biological science, ecology, physics, analytical geometry, and calculus, general chemistry, and a
4 course in meteorology. In my graduate level course work, I studied operations management,
5 labor relations, multi-national business management, policy and the legal environment,
6 information systems, marketing management, economic courses, corporate ethics, theories and
7 applications of management science, advanced quantitative methods, and my graduate thesis was
8 on the economic impacts of de-regulation.

9 7. I have also received certificates as Certified Purchasing Manager, C.P.M. from the
10 National Association of Purchasing Managers, Concentrated Course in Construction Contracts,
11 Pepperdine University School of Law in December 1985, Cummins Engine Company, Inc.,
12 Cummins Production Systems Training, June 1990, Motorola Quality College, Six Sigma
13 Quality Management Training, Motorola University, April 1992 Government Contracts, Federal
14 Bar Association, September 1995, Nuclear Regulatory Compliance Training, United States
15 Department of Energy and the Nuclear Regulatory Commission, October 1999, OSHA 500 series
16 courses, HAZMAT Training, Radiological Safety and Health, August 2001, AAAHC
17 Accreditation Training, Accreditation Association of America for Hospitals and Clinics, and the
18 Indian Health Service,, June 2004, Facilities Master Planning, Environmental Safety and Health,
19 Department of Health and Human Services, Indian Health Service, September, 2005,
20 Community Emergency Response Training (CERT), Department of Homeland Security, 20
21 hours certification, August, 2006.

22 8. The following are examples of on the job training and experiences that relate to
23 knowledge of environmental issues and programs: a) I worked for Monsanto Chemical Company
24 for 15 years (1975-1990), and started in refinery operations involving production of sulfuric acid,
25 elemental sulfur, and catalyst production. Monsanto provided a great deal to training on
26 corporate environmental policy and compliance with the Regional Air Quality Board and United
27 States Environmental Protection Agency requirements; b) During my first experience with
28 Monsanto Research in the Nuclear Weapons Complex, I received training on nuclear safety,

1 radiological health and safety, and dosimetry, and I also managed contracts for medical and
2 health screening and monitoring of employees in the facility; c) As Director of Materials at
3 Cummins Engine (1990-1991), I received training in environmental safety and health, and I
4 managed contracts for on site monitoring and compliance management for such areas as disposal
5 of motor oil and diesel fuel and servicing abatement equipment for Carbon Monoxide in engine
6 testing chambers; d) I worked on the Superconducting Super Collider Laboratory (1991-1993), a
7 U.S Dept. of Energy managing and operating contract with a consortium of American
8 universities, to construct the worlds largest cyclotron (particle accelerator for research on
9 properties of matter and origin of the universe) for high energy physics research. The largest
10 contract for the collider tunnel that I managed was for \$1.3 billion, for which I also contracted
11 for the development of the site environmental impact report, and helped with the coordination of
12 archaeological studies of sacred Native American sites encountered on project lands.; e) While
13 working on a U.S. Department of Energy management and operating contract at Lawrence
14 Livermore National Laboratory, as a University of California employee, I managed materials and
15 logistics support for an on-going environmental remediation program on site that involved site
16 characterization studies and some of the first three-dimensional computer modeling of ground
17 contamination plumes of aviation fuel and cleaning solvents from machining operations, such as
18 trichlorethylene (TCE), and Poly Chlorinated Biphenols (PCB's); f) At Bechtel National (1995-
19 1999), while managing two prime contract for the U.S. Navy, called Navy Clean II and Navy
20 Clean III, I worked closely with engineers and project managers, contracting for drilling services,
21 sampling, laboratory, and data analysis for remedial site investigation (RSI) studies for the
22 Southwest Division of U.S. Navy Pacific Region Headquarters in San Diego, where we managed
23 approximately \$500 million in contracts for environmental studies of many old Naval Air
24 stations and training bases, such as Tustin, Twenty-nine Palms, and the Salton Sea, supporting a
25 desert team of geologists and environmental scientists and providing drilling contractors for core
26 sampling. While at Bechtel, I also managed contracts for the Cooperative Threat Reduction
27 Program that involved the dismantling of the old SS-22 missile silos in the former Soviet Union,
28 as well as reactor removal for the older classes of Russian submarines, which had some very

1 specialized environmental issues; g) From 1999 to mid 2002, I worked as a project manager for
2 Allied Technologies Group, first as a project manager and then later as Vice President of
3 Production, taking over the construction of a \$30 million dollar waste treatment facility
4 contracted for the U.S. Dept. of Energy that was over budget and behind schedule, completing it
5 on-time and under budget, involving daily supervision and interaction with engineers, union
6 representatives, federal and state regulatory agencies, inspectors, reviewers, and technical
7 equipment manufacturers. This included managing and directing oversight of the licensing,
8 compliance, and startup operations and meeting regulatory requirements, many of which were
9 radiological safety and health, and State maximum exposure limits for employees of 5000
10 millirems per year. The facility I managed maintained exposures to less than 1000 millirems per
11 year for every employee; h) At Consolidated Tribal Health (2002-2006), environmental issues
12 that I dealt with concerned the management and control of medical waste and a waste
13 management system, sewage system, infection and disease control, prevention of needle sticks
14 and medication errors, pharmacy operation and state licensing and regulatory requirements, as
15 well as meeting all the requirements for accreditation; i) As Director of Tribal Operations (2006
16 to present), I am responsible for overseeing all Tribal programs, which include: Head Start;
17 Vocational Rehabilitation Program; Two EPA grants and the Environmental Department, Indian
18 Child Welfare Act program, and Facilities Maintenance. From my clinic experience, I also help
19 with management of the Tribal Self-Governance Compact and negotiations with the Bureau of
20 Indians Affairs, where I have worked to obtain more funding for environmental projects and
21 needs for PPN, which include wildfire protection and future funding to begin restoration of
22 Ackerman Creek. I work closely with engineers and representatives of the Indian Health Service
23 to review and remedy environmental health and safety issues and to develop plans for future
24 facility improvements.

25 9. People who I have worked with, managed, and learned from most of my working life
26 come from all walks of life, and I have learned from them. These are some examples: a) An ex-
27 German prisoner of war (Monsanto Rubber Chemicals Division); Two Air Force Colonels
28 (Monsanto Research and later on the Superconducting Super Collider Laboratory Project), one of

1 which was the Air Force Liaison Officer for the F-16 Program (Monsanto Research); an Army
2 Lieutenant Colonel (Monsanto Research); a Dutch Nuclear Physicist, and other high energy
3 nuclear physicists, including a small team of former Russian physicists (Superconducting Super
4 Collider Laboratory), A Ph.D. in Chemical Engineering (Allied Technologies Group), Chemical,
5 Mechanical, and Electrical Engineers (Bechtel and Allied Technologies), Medical Practitioners,
6 including two Ph.D. Licensed Clinical Psychologists, and a Navy Captain, forensic
7 Anthropologist and Dentist, and Commissioned Corps, U.S. Public Health Service Commander,
8 the Director of the Indian Health service, Medical Doctors, and Public Health Nurses
9 (Consolidated Tribal Health), A Ph.D. in Geography and electrical Engineer from (PPN); my
10 older brother who is a Ph.D. Cultural Anthropologist from U.C. Berkeley, and my grandfather,
11 who was half Cherokee and a carpenter, who cares more about the fact that his home would used
12 for a runway for the Tucson Airport than the fact that he was losing it, from I learned to care
13 more about how the land is being used than its monetary value.

14 10. Other projects and programs, on which I was team member, where I and the group that I
15 managed, provided equipment, contract, and logistics support, were the early Challenger
16 Missions, wherein Monsanto Research provided nuclear batteries for satellite launches, and a
17 similar mission, one that I am particularly proud of was the NASA/DOE Galileo Mission, which
18 was the Jupiter probe which in 1986 did produce photographs mapping of the planet's surface. I
19 have also held two Q level security clearances, working on Programs at National Laboratories
20 that were highly technical in nature.

21 11. My current employment with PPN gives me intimate knowledge and firsthand experience
22 with the activities that occur on the reservation. My office is located on the reservation and I live
23 on the reservation 5 days per week. Ukiah Auto Dismantler and defendants' other enterprises are
24 located very close to my office and I can visually see their operations on an almost daily basis.
25 I have been at PPN during rainstorms and other inclement weather and I visually see defendants'
26 set up and what is happening with regard to their activities during the various seasons. In
27 addition, I communicate with tribal officials and members on a daily business. In order for me to
28 be an effective tribal administrator I am required to "keep my finger on the pulse" and know

1 what is going on the reservation. This is easy for me to do because PPN is a small reservation
 2 consisting of approximately 100 acres. Therefore, I have firsthand knowledge of defendants'
 3 activities and have access to reliable information from those tribal officials and members who are
 4 "in the know" of the goings on. When I became the tribal administrator for PPN, I educated
 5 myself on PPN's history, traditions, customs, and culture.

6 12. The land on PPN is rural and has Ackerman Creek running through it and it has been a
 7 spawning ground for salmon and steelhead trout and it has been a habitat for other wildlife. It is
 8 also a water source. An auto wrecking operation, junkyard and other industrial uses that involve
 9 the presence of pools for toxic chemicals is totally out of place with the surrounding nature and
 10 environment of the land upon which PPN's culture regards as sacred.

11 13. I know for a fact that defendants' activities are totally incompatible and harmful to the
 12 surrounding environment, which the United States Department of Interior, Bureau of Indian
 13 Affairs recognizes as Indian Country.

14 14. I have received and read the federal published opinion of *Governing Council of*
 15 *Pinoleville Indian Community v. Mendocino County Board of Supervisors of Mendocino County,*
 16 *Ross Mayfield, and Brent Mayfield* (U.S. Dist Ct. ND Cal. 1988) 684 F. Supp. 1042. With the
 17 exception of Mendocino County and its board of supervisors, that case involves the same parties
 18 essentially litigating the same issues. I paid particular close attention to the opinion of the expert
 19 witnesses alluded to in that case decided by Judge Eugene Lynch. I have incorporated the
 20 findings and evidence ruled to be true in forming the basis for my opinions as stated in previous
 21 declarations.

22 **I declare under the penalty of perjury that the foregoing is true and correct except**
 23 **to those matters based on information and belief and to those I believe them to be true.**
 24 **Executed in Ukiah, California.**

25
 26 Dated: June 22, 2008

/S/ GEORGE PROVENCHER

27 GEORGE PROVENCHER
 28